

EXHIBIT F

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TENNESSEE
3 CASE NO. 3:19-cv-00041
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5 - - -
6 SCOTT ALLEN TOMEI, :
7 Plaintiff, :
8 vs. :
9 PARKWEST MEDICAL CENTER and :
10 COVENANT HEALTH, :
11 Defendants.:
12

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14

15 DEPOSITION OF LEIGHA TOMEI
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17

18 =====

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16 ALSO PRESENT:

17 Ruann L. Wood, Interpreter
Lydia Harmon, Interpreter
18
19 Scott Tomei

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1		
2	I N D E X	
3	LEIGHA TOMEI	PAGE
4	EXAMINATION BY MR. YOUNG	5
5		
6		
7		
8		
9	NO. INDEX OF EXHIBITS	PAGE
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11	(No Exhibits Marked.)	
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13		
14		
15		
16		
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18		
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20		
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1 D E P O S I T I O N

2 The deposition of Leigha Tomei, taken at the
3 request of the Defendants, for purposes of
4 discovery, pursuant to the Tennessee Rules of Civil
5 Procedure on the 17th Day of December, 2019, at the
6 offices of Arnett, Draper & Hagood, LLP, 800 S. Gay
7 Street, 2300 First Tennessee Plaza, Knoxville,
8 Tennessee 37901 before Catherine Golembeski,
9 Registered Professional Reporter and Notary Public
10 at Large for the State of Tennessee.

11 It is agreed that the deposition may be
12 taken in machine shorthand by Catherine Golembeski,
13 Licensed Court Reporter and Registered Professional
14 Reporter and Notary Public, and that she may swear
15 the witness and thereafter transcribe her notes to
16 typewriting and present to the witness for
17 signature, and that all formalities touching
18 caption, certificate, filing, transmission, etc.,
19 are expressly waived.

20 It is further agreed that all objections
21 except as to the form of the questions are reserved
22 to on or before the hearing.

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1 EXAMINATION

2 (Proceedings began at 10:20 a.m.)

3 LYDIA HARMON, the Interpreter, having
4 been first duly sworn.

5 RUANN WOOD, the Interpreter, having
6 been first duly sworn.

7 LEIGHA TOMEI,
8 called as a witness at the instance of the
9 Defendants, having been first duly sworn, was
10 examined and deposed as follows:

11 EXAMINATION BY MR. YOUNG:

12 Q. Could you state your name for the
13 record?

14 A. My name is Leigha Tomei.

15 Q. Miss Tomei, I introduced myself a
16 moment ago, but I represent the Defendants in this
17 lawsuit Parkwest Medical Center and Covenant
18 Health, along with Devin Lyon who's sitting next to
19 me and a couple of the other attorneys who aren't
20 here at this deposition.

21 Have you ever given a deposition
22 before?

23 A. No, I don't think so. What do you mean
24 deposition? Explain that to me.

25 Q. Have you ever given statements under

1 oath with a court reporter present and lawyers
2 present?

3 A. Yes.

4 Q. Okay. When did you do that?

5 A. That was for work. It was really
6 nothing. Nothing like this, but it was just for my
7 work, where I was working.

8 Q. Okay. Was that part of a lawsuit that
9 she was in?

10 A. No, I got fired. It was from my job.
11 The unemployment office had a deposition related to
12 it and they stopped my unemployment benefits, but
13 that's all it was.

14 Q. Where were you working when this
15 occurred?

16 A. It was Food City.

17 Q. Do you know why they stopped? Why they
18 stopped your unemployment benefits?

19 A. Because of communication. There was
20 just no communication. The boss wouldn't
21 communicate with the customers, and there was all
22 kinds of misunderstandings. And then the boss
23 decided to fire me because there was
24 misunderstandings with the customers. So the boss
25 fired me. I went to unemployment just to see if I

1 could fill out the application, and it seemed that
2 it worked. And then later I find out that I was
3 terminated. So they stopped my unemployment
4 benefits and that's all that happened.

5 **Q. When did this happen?**

6 A. That was last year. And I want to say
7 2018.

8 **Q. Okay. Are you currently working**
9 **anywhere else?**

10 A. No.

11 **Q. Did you work anywhere after Food City?**

12 A. Mostly I've been full-time mom,
13 full-time wife.

14 **Q. All right. Who lives at home? Let me**
15 **back up. What is your address?**

16 A. 224 Hope Way, Loudon, Tennessee 37774.

17 **Q. And who lives with you in the home?**

18 A. Well, my daughter and my boyfriend.

19 **Q. What is your boyfriend's name?**

20 A. Jeffrey Hubbuch.

21 **Q. And how old is your daughter?**

22 A. She's 25.

23 **Q. Does your daughter have -- do you have**
24 **a granddaughter as well?**

25 A. Correct.

1 Q. And how old is she?

2 A. She's 16 months. Sorry, 16 months.

3 Q. You help take care of her?

4 A. Oh, yeah. Oh, yeah. I love it.

5 Q. Does she live in the home with you?

6 A. Yes. She lives with my daughter. I
7 forgot to add that. Sorry.

8 Q. Are you able to speak?

9 A. I can. I mean, not 100 percent. But
10 sometimes I make mistakes with my pronunciation, so
11 some people ask me, what did you say? What did you
12 mean? Could you say it again? Of course I got to
13 say it again.

14 Q. Do you have cochlear implants?

15 A. Yes.

16 Q. What are those? How do those help?

17 A. It bypasses the hair in my ear which
18 are missing and goes directly to my brain. The
19 ears, the hair in my ears are not working, so we
20 have to kind of skip that part and jump right
21 directly to the brain.

22 Q. Do the implants allow you to understand
23 what people are saying?

24 A. No, not always.

25 Q. How much do they help?

1 A. Oh, I would say maybe 70 percent help,
2 yeah.

3 Q. So am I correct that you think you can
4 understand about 70 percent of what people are
5 saying as a result of the implants?

6 A. No. What I can hear is about 70
7 percent. And I'm talking about environmental
8 noise; for example, doors closing, people talking,
9 people walking down the hall, but it doesn't mean
10 70 percent of people speaking. I can hear 70
11 percent of the environmental sounds and I can pick
12 up on those.

13 Q. As far as what people are saying to
14 you, people that don't know ASL, how much do you
15 think you understand on a percentage basis of what
16 they're saying?

17 A. I would say maybe 55 percent maybe.
18 And speech reading is hard because people have
19 different lips, and different size mouths and
20 different ways that they use their facial
21 expressions. So it takes time for me to get used
22 to the person's speech patterns and constantly see
23 what they're saying before I can understand. If I
24 met somebody for the first time, forget it. I'm
25 asking for repeats over, and over, and over before

1 I finally understand what they're saying, so that's
2 what I have to do.

3 Now, in a group setting forget it, no.
4 It only in one-on-one situations will this be
5 effective.

6 **Q. What was your job at Food City?**

7 A. I was a bakery person in the back of
8 the store; you know, we prepped food, stuff like
9 that. It was just me. Most of the time, just me.

10 **Q. Do you transport -- let me back up.**

11 Does your granddaughter ever go to any
12 type of day care or she just stays in the home?

13 A. No, she stays at home with me. She
14 doesn't go to day care.

15 **Q. Do you ever take her to medical**
16 **appointments?**

17 A. No, I try not to. Actually, no, no.

18 **Q. When you -- some testimony came out the**
19 **other day that you are a diabetic?**

20 A. Yes. Yes, I do.

21 **Q. When you go to the doctor's office, are**
22 **you able to communicate with your doctor?**

23 A. As long as we're one-on-one. And I
24 know --

25 THE INTERPRETER: And I know the doctor

1 repeatedly.

2 A. I've known him for quit some time I've
3 been going there. For a new doctor, it would be
4 quite arduous and take a lot of time. But I know
5 my doctor's speech patterns so I could work
6 successfully with him one-on-one.

7 Now, if I go to a new doctor, I have to
8 have an interpreter with me for a new doctor.

9 Q. When is the last time that you used an
10 interpreter with a doctor?

11 A. I believe it was 2013. And it was for
12 a diabetic group appointment, you know. It was
13 like a support group. So I had to have an
14 interpreter for that group setting, but I go
15 one-on-one with my doctor and I'm fine.

16 Q. Other than the doctor you see for your
17 diabetes, are there other doctors that you're able
18 to see without the aid of an interpreter?

19 A. Yes.

20 Q. Okay. Which doctors would those be?

21 A. My gynecologist, a podiatrist, foot
22 doctor, yeah, foot doctor. And I think that's all.

23 Q. When you go to the bank, are you able
24 to talk to bank personnel without the aid of an
25 interpreter?

1 A. Not always, no.

2 Q. Have you ever had to use an interpreter
3 at the bank?

4 A. One time. It was an account problem
5 that I was having. So I went into the office and
6 there was an interpreter -- actually, I brought an
7 interpreter with me. It wasn't a hired
8 interpreter. I brought an interpreter with me to
9 navigate that situation, because I did not
10 understand that woman. I mean, that woman's mouth
11 was super thin. She got thin little lips. I was
12 just like standby. And I brought somebody in with
13 me just so I could know what she was saying.

14 Q. And you mentioned in this occasion five
15 years ago when you used an interpreter at a medical
16 appointment, how often do you use an interpreter in
17 your own life?

18 A. Oh, I would say, I mean, I stay-at-home
19 with the baby and baby-sitting, so, really, I don't
20 need an interpreter at the moment. But when I do,
21 like, if I go to the hospital, if I go to the
22 doctor, absolutely, absolutely. But not recently,
23 no.

24 Q. When is the last time you've been to a
25 hospital for any reason?

1 A. Does a mammogram count as a hospital
2 visit?

3 Q. Sure.

4 A. Then I went to the hospital for a
5 mammogram, but I didn't have an interpreter because
6 I know what the mammogram is. They're going to
7 smash me left and right and up and down.

8 Q. Is it true that the last time she's
9 used an interpreter for any reason was at the
10 hospital five years ago?

11 A. Yes. As far as I know would be five
12 years ago in that group setting that I referenced.

13 Q. Did you meet your husband in Georgia?

14 A. Yes.

15 Q. Did you ever go to GSD?

16 A. No, no.

17 Q. What school did you go to?

18 A. Well, I went to a bunch of different
19 schools growing up because we moved so often. So
20 mostly I was in public school.

21 Q. Did you graduate from high school?

22 A. Oh, yeah.

23 Q. At any rate.

24 A. Sorry.

25 Q. Did you go to any -- did you have any

1 further education after high school?

2 A. Yes, I went to college maybe for three
3 years.

4 Q. Where did you go?

5 A. Well, where I mentioned before it was
6 in DeKalb. And then that changed to Perimeter.
7 Yeah, yeah, Perimeter and that's in Georgia.

8 Q. Is that -- did you obtain a degree?

9 A. No, I got married and started a family
10 with him.

11 THE INTERPRETER: Indicating to the
12 gentlemen on my left, that guy over there.

13 Q. What were you studying?

14 A. Photography.

15 Q. Did your schooling require you to do
16 any writing?

17 A. Well, there was an interpreter there in
18 college, yeah. But what do you mean writing or
19 what?

20 Q. Did you have to write papers?

21 A. Oh, well, I had a note taker that was
22 with me. We're sitting right next to me. And then
23 I had an interpreter. So I had both of them at the
24 same time, because I can't write notes and look at
25 the interpreter, and look down and write notes, and

1 look at the interpreter at the same time.

2 Q. But is she able to write papers for
3 assignments?

4 A. Yes, yes.

5 Q. Is she able to read English?

6 A. Yes.

7 Q. Does she have any limitations with
8 regard to how much she can read in English?

9 A. Yes.

10 Q. What are those?

11 A. Well, big words, for example, forget
12 it. Yeah. No.

13 Q. Are you able to read a newspaper?

14 A. Oh, sure.

15 Q. Do you ever read any books in English?

16 A. Yes. I mean, like, novels, those are
17 fine.

18 Q. Like you could read Harry Potter?

19 A. Oh, yes.

20 Q. As far as writing, does she have any
21 limitations with regard to how much she can write?

22 A. No, I have difficulty.

23 Q. Tell me about what type of difficulty
24 do you have with writing?

25 A. Because I will miss, you know, I might

1 miss verbs, nouns, you know, when I'm writing a
2 sentence I get them kind of jumbled up.

3 Q. Does she ever communicate by text with
4 any of her hearing friends?

5 A. Oh, sure, I text. Uh-huh.

6 Q. And is she able to text with people
7 that do not know sign language?

8 A. Yes, I can.

9 Q. Would she be able to fill out a job
10 application without the aid of an interpreter?

11 A. Yes.

12 Q. When she was raising her son and
13 daughter, would she go to their medical
14 appointments?

15 A. Yes, yes. Now, if it was an
16 appointment for the two children, yes, I definitely
17 went with them. If it was for myself, I would have
18 an interpreter and the kids would stay because the
19 interpreter was for me. And that was for my doctor
20 appointments. For the kid's doctors' appointments,
21 no, we would just write notes back and forth.

22 Q. On your kid's medical appointments, did
23 you feel like you were adequately communicating
24 with the physician using notes back and forth?

25 A. Not really.

1 Q. How were you able to communicate with
2 the doctor?

3 A. Well, I would have to ask; what does
4 this word mean? And then, of course, the doctor
5 would respond. Oh, that's what that means. So
6 that we went back and forth. Sometimes my daughter
7 would be like; hey, Doc, you know, because I try
8 not to use my children for interpreting. No. So I
9 would write back and forth with the doctor. But
10 sometimes the doctor does not want to respond or,
11 excuse me, doesn't want to request an interpreter.

12 Q. Even though it might take some back and
13 forth with the doctors, were you generally able to
14 communicate with your children's doctors
15 adequately?

16 A. Yeah, I could with an interpreter.

17 Q. What about without an interpreter?

18 A. No, no.

19 Q. When did you find out that Mr. Tomei
20 had injured his leg?

21 A. Okay. So it was October 20 -- of 2019,
22 excuse me, 2017.

23 THE INTERPRETER: The interpreter made
24 a mistake. Thank you.

25 Q. How --

1 A. So that was October. Let me think. So
2 October. I want to say it was right before, just
3 right before Halloween, somewhere in the last week
4 of October, yeah. He was in a bit of pain. And he
5 had his toe was hurting, and his knee was hurting.
6 So I suggested that he go to the hospital. And he
7 said, no, no, no, I'm just going to wait. We'll
8 see what happens. Then the next day, no, we went
9 to the hospital.

10 Q. Have you done anything to prepare for
11 today's deposition as far as looking at calendars
12 or helping to remember what happened back in
13 October of 2017?

14 A. Can I do that? No? I mean, like, what
15 do you mean?

16 Q. Well, you remember that it was in
17 October of 2017 that your husband fell. And I'm
18 wondering if you had recently reviewed any
19 documents, or looked at a calendar or anything to
20 help you remember when things happened.

21 A. No. I gave all my documents to Scott
22 Tomei because he wanted and needed them. He needed
23 the information. My handwritten notes were mine
24 and that's from what happened that day to the other
25 days. I gave all that over to Scott. I, actually,

1 I didn't review anything.

2 Q. You made handwritten notes about what
3 had happened in October of 2017?

4 A. I tried to keep it because it was hard
5 to remember. It was awful. An awful time. I
6 mean, all kinds of stuff going on in my head. So I
7 started writing notes and so I could remember
8 exactly what took place. And I gave all the notes
9 to Scott.

10 Q. Did anyone recommend to you that you
11 should keep a record of what was happening?

12 A. No, no. It was just communication is
13 what it was. The communication was awful. I mean,
14 it wasn't anything underhanded, no.

15 Q. Do you know whether or not your
16 daughter kept notes as well?

17 A. No, it was me.

18 Q. Your husband had referenced some notes
19 that he thought you and/or your daughter had made.
20 He said there were about 15 or 20 pages long. Is
21 that accurate?

22 A. Well, it would have been my notes.

23 Q. Okay.

24 A. I was the one that wrote the notes.

25 Q. Okay. Would it have been around 15 or

1 20 pages long?

2 A. Okay. So the handwritten notes with,
3 you know, college rule paper. So I've got notes
4 written on college rule paper. And it's October
5 something day, whatever, and I would just jot down
6 what happened.

7 Then, as far as typing like
8 professional notes? No, there's nothing like that.
9 It's just my handwritten notes on notebook paper.
10 But 15 to 20 pages? Good question. I have no
11 idea. I wrote on whatever I had available and
12 handed it all over to him.

13 Q. Did you make these notes as the events
14 were happening or did you make these notes after it
15 was over?

16 A. No, while it was happening during the
17 situation. In the hospital room, I took napkins
18 from the holder or paper that was laying around,
19 whatever I could find just so that I could remember
20 exactly what was happening. And it was during the
21 situation. It wasn't after or before, it was
22 during right in the midst of it.

23 Q. Were these materials provided to any of
24 the nursing staff or doctors?

25 THE INTERPRETER: For the Interpreter,

1 when you say materials, are you talking about the
2 napkins?

3 MR. YOUNG: Yes.

4 A. No, I gave all of this to Scott. Now,
5 when I went home to fix it on paper, on college
6 rule paper, copied it back down because, I mean, a
7 napkin is a napkin. So then I just, you know,
8 transposed it back into collegiate line paper so he
9 could read it. So I gave it to Scott only, yeah.

10 **Q. What benefits do you think that would**
11 **offer Scott?**

12 A. Well, because he needed to know what
13 happened. He can't remember. I mean, Scott was on
14 heavy, not heavy, sedated, he was sedated. His
15 eyes couldn't even stay open sometimes. So I'm
16 trying to help by writing notes, you know, and
17 keeping tabs on what's going on. When it was all
18 said and done, and he was discharged, I gave him my
19 notes so that he could look and because he can't
20 remember.

21 **Q. You were with him when he went to**
22 **Parkwest on October the 24th of 2017?**

23 A. No, not to the end. I didn't go with
24 him, no. He and his daughter went together. I
25 wasn't there, no.

1 Q. When was -- what was the first medical
2 -- when was the first time you went to a hospital
3 with your husband following the accident?

4 A. Okay. That would have been Lenoir City
5 Hospital. The Parkwest was on the 24th. Then the
6 25th happens, 26th. And I want to say it was the
7 26th, give or take. I went with him to Lenoir
8 City, and it was just he and I.

9 Q. When you arrived at Lenoir City, did
10 you ask for an interpreter?

11 A. Yes.

12 Q. How did they respond? How did the
13 hospital respond?

14 A. They said to wait, they were working on
15 it.

16 Q. Did they provide you with access to
17 VRI?

18 A. They were working on it. They were
19 just looking high and low for the machine, for the
20 VRI and they couldn't find it. So here we were
21 waiting. Finally, I think it was an RN that said
22 we found it and they said, you know.

23 THE INTERPRETER: For the interpreter,
24 you're saying VCI. Do you mean VRI?

25 THE WITNESS: VRI, sorry.

1 A. So VRI. They found it, but they still
2 couldn't find the VRI. They couldn't find it. But
3 the RN came and said we found it. Okay. But there
4 was no communication. So the RN touched his foot
5 and motioned with her hand in a flat hand across
6 her throat, saying like the blood stopped right
7 there, that was all that we got. And the VRI was
8 still had not arrived.

9 **Q. So the VRI was not used at Loudon?**

10 A. I don't know. They told me because I
11 asked for an interpreter, and they said we are
12 working on it. And I'm, like, okay. So we waited.
13 And then the RN came in. They found the problem.
14 And but there was still no VRI, no interpreter, no
15 nothing. And then he was discharged.

16 **Q. Was he discharged to Parkwest?**

17 A. To Parkwest Hospital via ambulance, in
18 the ambulance.

19 **Q. Did they say that he didn't have any**
20 **circulation in his foot?**

21 A. Correct. Correct. Yeah, sorry.

22 **Q. Were you able to communicate that to**
23 **Mr. Tomei?**

24 A. No. We were both there at the same
25 time. And they came into the room. Looked at both

1 of us and we looked at the person that came in.

2 Q. Did Mr. Tomei understand that they were
3 telling him there wasn't circulation in his foot?

4 A. I think he did, but he was still
5 confused. Still confused, like, why? I mean, what
6 does this mean, you know, with this hand motion she
7 was doing on her throat. What does that mean?

8 Q. What did you understand that to mean?

9 A. It means stop, but to Scott I have no
10 idea. I mean, there was no communication. It was
11 awful.

12 Q. Did you attempt to explain it to Scott?

13 A. No, I didn't ask what that meant. I
14 gestured to Scott in sign language as far as sign
15 language go, I just said your blood's not there.
16 Your blood stopped. That's all I knew.

17 Q. So you attempted to explain it to
18 Scott?

19 A. I tried, but, yeah.

20 Q. All right. Did you ride in the
21 ambulance to the hospital, Parkwest?

22 A. Oh, no.

23 Q. Did you meet Scott at the hospital?

24 A. Yes.

25 Q. What happened when you got to the

1 hospital?

2 A. Okay. So they put him in triage, that
3 was the very first thing. We didn't have -- he
4 didn't have to do any waiting. They were just
5 immediately brought him into triage. We requested
6 an interpreter. They said okay. Fine. We're
7 working on that.

8 And then they had to do his vitals all
9 that's involved with vitals. They asked me
10 questions about what medications or pain
11 medications he was using. And I, of course, had to
12 write this stuff down because some of the
13 medications I can't even speak these names of these
14 medications. So I jotted them down as best as I
15 could remember how to spell them, you know. And
16 then I provided that information.

17 So every time the nurse came into the
18 room and I would ask for an interpreter, and she
19 would hold up her finger and say we're working on
20 it. Hold up her finger, like, hold a moment we're
21 working on it.

22 So we waited. The nurse came in again,
23 checked blood pressure. I said, is the interpreter
24 on the way? And, again, she held up her finger and
25 said we're working on it. And I'm thinking it's

1 been an hour. It's been two hours and still no
2 interpreter. So that's what happened. It was very
3 frustrating.

4 **Q. You were there on the 26th?**

5 A. With him, correct.

6 **Q. Did you spend the night on the 26th?**

7 A. Okay. The first night I don't think I
8 was there overnight. Now, I have been there
9 overnight on several days, but the first night I
10 don't think so. No, I don't think so.

11 **Q. Okay. Were you there on the 27th?**

12 A. Wow. Boy that's been a long time.
13 Because, like I said, I didn't have any notes to
14 review, so I'm going from memory here.

15 Okay. So the first time I went in they
16 admitted him into the hospital and put him in a
17 room. And so we waited. It was a long time that
18 we waited. They went ahead and put him on pain,
19 oh, shoot, what is it? It's dilod? I don't know,
20 it's a pain medication, morphine or something, but
21 it's better than that, stronger. So they had
22 already sedated him. I mean, that was it. He was
23 out. And I was like whoa. So, again, still no
24 interpreter. So I'm writing notes. I'm trying to
25 speech read these people. It was just frustrating,

1 you know, there was no interpreter there.

2 Q. Was the pain medication Dilaudid?

3 A. Yeah. It's used for cancer because the
4 morphine doesn't work. And he was still hurting.
5 I mean, he's screaming and crying out in pain. So
6 they knocked it -- knocked it up a notch and gave
7 him something stronger.

8 Q. Your understanding of the Dilaudid
9 versus morphine is that something that the staff at
10 Parkwest told you?

11 A. The nurse. Yeah, I asked the nurse,
12 because the nurse came in because Scott's, he's
13 screaming out in pain when this is going on. And
14 I'm, like, pointing at the nurse saying he hurts.
15 And they said they were going to give him more. I
16 will give him more. And I said fine.

17 THE INTERPRETER: For the interpreter,
18 who left?

19 A. The nurse left the room. Then the
20 nurse came back in with some morphine kind of drip,
21 I guess, I don't know what it is. But she wheeled
22 it in and stuck it in his arm. And then Scott was
23 still hurting. So the nurse said just wait for a
24 bit. She left. And I guess they had to talk with
25 the doctor. The doctor said, okay. I will give

1 him something up. So I asked the nurse what is it
2 that they're giving him? And she wrote the word
3 d-i-l, however you spell it. And she said it is
4 used for cancer patients. That's what I know.

5 Q. So was your husband telling you that he
6 was in pain?

7 A. Yes. In sign language, uh-huh.

8 Q. And you told the staff about his pain?

9 A. Yes, I did. Repeatedly. Repeatedly.

10 Q. And they said they would increase his
11 medication?

12 A. Yes.

13 Q. And they told you they would use
14 Dilaudid?

15 A. They wrote it down.

16 Q. But they wrote down the word Dilaudid?

17 A. Yes, it was on a white board that's in
18 the hospital room. You know what I'm talking
19 about, that you go in and you can write on this
20 white board; hello, my name is. This is your
21 doctor, blah, blah, blah. So they wrote dilau,
22 however you spell it, they wrote it. Then they
23 wiped it off.

24 Q. Other than pain in his leg, did your
25 husband have any -- I'm sorry, did Scott have any

1 other complaints or concerns that he wanted to
2 express to the staff?

3 A. Yes. Yeah. He really wanted to be
4 able to say something. Okay. Scott did not think
5 that the doctor was a good -- was doing a good job.
6 Because the doctor would just -- he would go. And
7 there wasn't any communication between doctor and
8 patient. And so, you know, he wrote --

9 THE INTERPRETER: For the interpreter a
10 clarification. Who's reading the note?

11 A. The doctor's reading the chart, Scott's
12 medical chart. So Scott, I mean, he's wanting to
13 tell the doctor, I mean, is that all? Is this all?
14 I mean, I need something more. Scott knew or felt
15 that there was something more wrong, but the doctor
16 just was very, just very limited in what he was
17 sharing. I mean, you know, there's no blood.
18 There's no blood. That was it. I mean, it's as
19 simple as that. And he's like more. And Scott's
20 wanting more. He's wanting to communicate with
21 this doctor and he can't. I mean, it was just one
22 barrier after another. And I'm trying to get with
23 Scott saying, trying to get what the doctor's
24 saying, trying to get between the two of them. It
25 was emotional, very emotional for me, very

1 emotional. So frustrating.

2 Q. Did Dr. Pollock tell you that Scott had
3 a blood clot?

4 A. Yes, he told me that.

5 Q. Did he tell you that -- back up.
6 Did you explain to Scott that Dr.
7 Pollock believed he had a blood clot?

8 A. I tried to tell him. I mean, the best
9 of my understanding of what was going on.

10 Q. And Scott knows what a blood clot is?

11 A. Yes.

12 Q. Did Scott want something more for his
13 pain?

14 A. No. The information is what he wanted.
15 I mean, what was causing what was going on. Why is
16 this happened? And what happened? And why is it
17 going on? I mean, but the doctor just said, no
18 blood, no blood, no blood.

19 Q. Well, is it true that both you and
20 Scott knew that Scott had fallen and hurt his leg?

21 A. Yes, he fell.

22 Q. And you knew that that fall resulted in
23 him having a blood clot?

24 A. Yeah. Good question. I don't know. I
25 have no idea.

1 Q. Well, did any -- did Dr. Pollock say
2 that the fall had anything to do with the blood
3 clot?

4 A. No.

5 Q. Did you assume that the fall had
6 something to do with the blood clot?

7 A. I asked the doctor using my voice, did
8 the fall cause it? And doctor shook his head no.

9 Q. So you asked the doctor whether or not
10 the fall had caused the blood clot and the doctor
11 told you no?

12 A. Correct.

13 Q. Did the doctor say that your husband's
14 smoking, I'm sorry, that Scott's smoking had
15 anything to do with the blood clot?

16 A. One of the factors is what he said.

17 Q. Did he give you any other factors as to
18 what would be causing the blood clot?

19 A. No, no.

20 Q. Did you communicate to your husband
21 that the doctor thought the smoking could be one of
22 the factors causing the blood clot?

23 A. No, because it's not the right time. I
24 mean, this -- he's very emotional at that time.
25 He's having an emotional thing. I'm going to say;

1 by the way, you're smoking, no, uh-uh.

2 Q. Is that something you eventually told
3 Scott?

4 A. Way later.

5 Q. Like after he was discharged from the
6 hospital?

7 A. Yeah, something like that.

8 Q. Did any other healthcare provider like
9 a nurse or anyone else offer any opinions as to
10 what had caused the blood clot?

11 A. No, no, there was no communication.

12 Q. On the first day that Scott was at the
13 hospital, was VRI used?

14 A. No. The first day, I mean, which
15 hospital are we talking about?

16 Q. Parkwest.

17 A. No.

18 Q. And I'm sorry, I can't remember. Did
19 you spend the night on the 26th?

20 A. I may have. I really can't remember.
21 I mean, I did stay with him overnight on several
22 nights, but I can't remember which one.

23 Q. Okay. Do you remember if you spent the
24 night on the 27th?

25 A. Wow, I would say yes, maybe. I don't

1 know.

2 Q. What about the 28th?

3 A. Okay. So when I stayed with him it was
4 one night. So several nights, I would --

5 THE INTERPRETER: For the interpreter,
6 for the interpreter's clarification. Several
7 nights she stayed overnight.

8 A. I would stay with him overnight one
9 night. Then I would leave. And someone else would
10 come and replace me. And I would do what I needed
11 to do throughout the day. And then two or three
12 days later I would come back and then spend the
13 night again. So it was just one night at a time,
14 it wasn't consecutive nights.

15 Q. Did you stay the night with him the
16 night before he was discharged?

17 A. Yes, yes, yes. I remember that because
18 the following morning was a rude awakening.

19 Q. Tell me about that.

20 A. Okay. So the doctor came in. It was
21 early in the morning. Scott was still sedated, all
22 foggy and stuff. And what is it the machine, they
23 took out the machine to clean the clot. They took
24 it out. And I stayed the night. And the doctor
25 came in and asked, excuse me, the doctor came in.

1 He did this, like, okay sign that people will use.
2 Scott didn't understand. His eyes would not open
3 all the way. Then Scott using sign language used
4 the sign for pain. I'm in pain. I'm in pain. I'm
5 in pain. I hurt. Okay. So he wrote a
6 prescription -- the doctor wrote a prescription,
7 said he would write a prescription. And then the
8 doctor looked at Scott, but first the doctor looked
9 at me like he wanted to go home. He's acting like
10 he wants to go home. Excuse me.

11 THE INTERPRETER: The interpreter is
12 going to correct the interpretation.

13 A. The doctor asked me: Does he want to
14 go home? And I answered, I don't know. So then
15 the doctor looked at Scott and got up right in his
16 face with his mouth over enunciating his words
17 saying, do you want to go home? And I was standing
18 right there. And the doctor's bent over into his
19 face, right in his face. And I thought geeze. So
20 then the doctor stood upright. Okay? Scott shook
21 his head acknowledging yes, thinking he was
22 acknowledging that he was in pain. And because he
23 thought the doctor said are you in pain? Or excuse
24 me, not pain, are you hurting? But the doctor was
25 saying home. Scott thinks he's saying hurting.

1 Because if you look at the mouth for home and
2 hurting, they look very similar on the mouth. So
3 Scott responds yes by shaking his head up and down.
4 The doctor does the sign for okay that the general
5 population uses for okay. And he said, he would
6 send the nurse. And I tried to catch what he was
7 saying by speech reading him. He said nurse will
8 come with discharge papers. And he left.

9 But now right before he left, I said
10 his feet are purple. Why are his feet purple? And
11 the doctor said, it will be fine. And he used that
12 sign that the general population uses for okay and
13 shook his head up and down. Then the doctor left
14 the room. So we waited. I tried to explain to
15 Scott, you want to go home? But your foot's
16 purple. And he's like, no. Well, but they're
17 bringing papers for you to sign. There was
18 definitely miscommunication and misunderstanding.
19 I mean, his foot is still purple. And he can't
20 even stand up straight. He's all, like,
21 disoriented, just all disoriented. And the doctor
22 is going to let him go? I don't know. So they
23 brought the paper and that was it. And that was a
24 rude awakening for the doctor with the getting in
25 the face, do you want to go home, over enunciating

1 it like that. I didn't think that that was
2 appropriate.

3 Q. Did you attempt to explain to Dr.
4 Pollock that your husband did not want to go home?

5 A. Yes, I tried to communicate with him.
6 But the doctor just ignored me and listened to
7 Scott, because Scott shook his head up and down
8 that he wanted to go home, which is clearly a
9 misunderstanding.

10 Q. Did you use words to tell Dr. Pollock
11 that he did not want to go home?

12 A. No, I told the doctor because the
13 doctor asked Scott the question: Do you want to go
14 home? Scott shook his head up and down indicating
15 yes. I told the doctor he hurts. He hurts. And
16 doctor said okay. And he said, I'll write a
17 prescription and send the nurse with the discharge
18 papers.

19 Q. Did you tell the doctor that Scott did
20 not want to go home?

21 A. Yes, I tried, but the doctor --

22 Q. I want to be more specific. Did she
23 tell the doctor Scott does not want to go home?

24 A. No.

25 Q. Well, did you use other words to inform

1 the doctor that Scott did not want to go home?

2 A. No. I said he was hurting.

3 Q. The only thing you told the doctor was
4 that Scott was hurting?

5 A. Yes, repeatedly.

6 Q. Is there any reason why you didn't tell
7 the doctor that Scott did not want to go home?

8 A. I tried. I tried, but he just ignored
9 me, I mean, and walked off.

10 Q. What I'm trying to find out is that
11 other than saying that Scott was hurting, did she
12 use any other method of trying to tell the doctor
13 that Scott did not want to go home?

14 A. I was trying to tell the doctor, and I
15 was saying, he doesn't want. He doesn't want it.
16 He hurts. He hurts. He needs medicine. He's
17 screaming out in pain, but the doctor just ignored
18 me and walked off.

19 Q. Was it your understanding that Scott
20 wanted to stay in the hospital or that Scott wanted
21 something for his pain?

22 A. He wanted to stay.

23 Q. Did Scott tell you he wanted to stay?

24 A. He did not tell me, no, that he wanted
25 to stay. And I can tell. I could tell he was in

1 pain. He couldn't even walk. I mean, and I've
2 never heard of a patient that couldn't walk, you
3 know, and then they discharge the patient?

4 Q. So is it true that Scott never told you
5 that he wanted to stay in the hospital?

6 A. No, he was confused. He was just
7 confused. He was just following me. I mean, he
8 didn't know what was going on. And the nurse, I
9 mean, she had -- the nurse had to carry him into
10 the car.

11 Q. And my question is, and this is just
12 yes or no. Did Scott ever tell you that he wanted
13 to stay in the hospital?

14 A. Yes.

15 Q. When?

16 A. It was that day. I mean, he's sitting
17 in the car. The nurse has to manhandle him into
18 the vehicle. And I'm like why? Why?

19 THE INTERPRETER: Oh, excuse me.
20 Sorry. The Interpreter wants to correct.

21 A. Scott was saying why? I don't want to
22 go.

23 Q. Did he say this in the car or did he
24 say this in the room?

25 A. In the car.

1 Q. When he said this in the car, was
2 anybody from Parkwest present?

3 A. It was just the two of us.

4 Q. Is that the only time he objected to
5 leaving the hospital?

6 A. No, that was the only time.

7 Q. So that was the only time?

8 A. In the car. And then all he could
9 think about was the pain he was experiencing in his
10 leg.

11 Q. I'm just trying to understand this. So
12 it's true that the time, the only time you remember
13 him saying that he wanted to stay at the hospital
14 was with you in the car?

15 A. In the car, correct.

16 Q. So that's a yes?

17 A. Yes. Sorry.

18 Q. All right. Did you ask for an
19 interpreter that morning?

20 A. Yes. Again, and again, and again, and
21 again. It was repeatedly asking for an interpreter
22 every single day.

23 Q. Was VRI ever used while you were in the
24 hospital?

25 A. Yes.

1 Q. When do you remember VRI being used?

2 A. Oh, probably, let me see, the 27th,
3 28th. Maybe the 28th? And maybe the 29th? They
4 brought that VRI machine with the interpreter in,
5 yeah.

6 Q. How did that go?

7 A. No. It was an epic fail.

8 Q. In what way?

9 A. It froze. It froze. So they would
10 hang up. Call again. It was the same person, same
11 interpreter that came up on the screen. And it
12 just froze like mid sign. And, yup, we couldn't
13 understand anything.

14 Q. Was that on each occasion it was used?

15 A. Yes, it froze every time.

16 Q. So the VRI never ever worked while you
17 were in the hospital?

18 A. No, never worked.

19 Q. Was the interpreter present in the
20 hospital?

21 A. In Parkwest?

22 Q. Yeah.

23 A. No. In person you mean?

24 Q. Yes.

25 A. No.

1 Q. Have you spoken with your daughter
2 about or Scott about the first visit to Parkwest on
3 the 24th?

4 A. I mean, I told my daughter that her dad
5 was in the hospital. But I mean, what do you mean
6 by, did I talk to her?

7 Q. Is it your understanding she was
8 present with your -- I'm sorry, with Scott on the
9 first visit to Parkwest?

10 A. No, no, it was just me and Scott. The
11 first time we were at Parkwest was Scott and the
12 daughter. The second time was Scott and I, just
13 the two of us.

14 Q. I'm talking about the first visit.

15 A. Yes. So the first visit was with his
16 daughter, correct.

17 Q. What is your understanding of what
18 happened on the first visit?

19 A. Okay. So they did an x-ray and they
20 didn't find anything. And they thought maybe he
21 had arthritis. I don't know. So they discharged
22 him, sent him home. And then the next day it got
23 worse. So he went to Lenoir City to the hospital
24 there.

25 Q. Do you know whether or not an

1 interpreter was requested on the first visit to
2 Parkwest?

3 A. I mean, I wasn't there, so I don't
4 know.

5 Q. Do you know whether or not your
6 daughter translated what the -- translated for
7 your, I'm sorry, for Scott on that first visit to
8 Parkwest?

9 A. Yes.

10 Q. Are you aware of any problems with that
11 communication?

12 A. Yeah, I'm pretty sure.

13 Q. Do you know what types of problems they
14 had?

15 A. For example, my daughter is not a
16 professional interpreter. So my daughter typically
17 hears what a person is saying and then does her
18 best to interpret. So she doesn't know how to
19 listen and interpret at the same time. She doesn't
20 know how to do that. She has to hear what's being
21 said first, then try to remember what they said and
22 provide the interpretation. So, yeah, the
23 communication was not good. My daughter is not a
24 professional interpreter.

25 Q. But you weren't there.

1 A. No, I wasn't there. But I have seen
2 it. I've seen my daughter try to interpret and
3 she's not a professional.

4 Q. Do you feel like you're better at
5 translating for Scott than she is?

6 A. My daughter.

7 Q. She's better at translating?

8 A. Yeah, she's better than me, of course.

9 Q. Other than the catheter issue, was
10 there ever an occasion, while you were at the
11 hospital, where you were not able to communicate to
12 Scott what either a doctor or a nurse was saying?

13 A. So you mean when they had -- they put a
14 catheter in his penis? Is that what you're talking
15 about? What catheter situation are you talking
16 about?

17 Q. You had mentioned earlier about Scott
18 not understanding what the catheter was going to be
19 used for. Is that true?

20 A. No, I didn't say anything about that.

21 Q. All right. Back up then. Was there
22 ever anything that the doctor or nurse was telling
23 you that you were not able to communicate to Scott?

24 A. Yes.

25 Q. Tell me about that.

1 A. Well, I couldn't get everything that
2 they were saying in the first place, so I was just
3 picking up a few things here and there and then
4 trying to share that with Scott. And when my
5 daughter wasn't there, it was even more difficult
6 to try to navigate that. The communication was not
7 appropriate. It was not accurate.

8 Q. Can you remember anything specifically
9 that they told you that you were not able to
10 communicate to Scott?

11 MR. ROZYNSKI: Objection to form.
12 You can answer.

13 THE INTERPRETER: The interpreter needs
14 the question again, please.

15 MR. YOUNG: What's wrong with the form?

16 MR. ROZYNSKI: She said she couldn't
17 pick up all the words that were being said, and
18 then you're asking about the foundation -- you're
19 asking a deaf person what is it that the nurse
20 would have wanted to communicate to her that she
21 couldn't interpret. So she already established
22 that she couldn't.

23 MR. YOUNG: That's kind of a speaking
24 objection in some ways, in my opinion.

25 MR. ROZYNSKI: You're asking me what

1 the basis is.

2 MR. YOUNG: Well, I am, but I'm asking
3 if she has a personal recollection of anything that
4 she was told by a doctor or a nurse that she was
5 unable to communicate to Scott. I don't see
6 anything wrong with that.

7 MR. ROZYNSKI: She already testified
8 she couldn't understand them.

9 MR. YOUNG: That's not what she said.
10 You're misstating her testimony. She said she was
11 not getting everything. I'm trying to find out if
12 she's getting anything that she was unable to
13 communicate to Scott.

14 THE INTERPRETER: You have to give me
15 the question again. I don't remember.

16 Q. Was there anything that was told to you
17 by either the nurse, or the nurses or the doctor
18 that you were unable to communicate to Scott that
19 you can remember specifically?

20 MR. ROZYNSKI: Objection to form.

21 MR. YOUNG: Well, it's an improper
22 objection.

23 A. Yes.

24 Q. What was that?

25 A. I can't remember because there was so

1 much communication, and there was this happening,
2 and that happening, and yeah. I mean, there were
3 IVs all over. There was lines dripping. I have no
4 idea.

5 Q. So it's true you can not remember
6 anything specifically that a nurse or a doctor told
7 you that you were not able to communicate to Scott?

8 A. The only thing that I can think of was
9 that morning of discharge when the doctor said, do
10 you want, you know, when he over enunciated his
11 speech. That's the only thing that I can think of.
12 Prior to that, it's just a whirlwind of stuff, but
13 that morning does stand out.

14 Q. All right. Was there anything that
15 Scott told you that you were unable to communicate
16 to either the nurses or doctors at Parkwest?

17 A. Yes. Scott wanted me to tell them,
18 using his language, and I'm trying to put it in
19 their language. I'm not exactly sure how to say
20 it, because I'm not an interpreter. I'm not the
21 best person to interpret between him and his
22 medical providers.

23 Q. Can you remember anything specifically
24 that he told you that you were not able to tell the
25 nurses or staff at Parkwest?

1 A. Okay. So when that machine that they
2 brought in, that -- and they put it inside his leg
3 to, like, clean the clot. And he kept indicating
4 that spot, because he's not supposed to move his
5 leg. And the nurse kept holding him down with her
6 hands saying in over enunciating her words saying
7 don't move and holding her hand down on him. And
8 he's trying to move himself because he was in pain.
9 So, and that machine, it's goes underneath your
10 skin. And it, I guess, it, like, it does something
11 really strong inside there. And the doctor said
12 there will be pain. So Scott is, like, you know,
13 get this off of me. And how do I -- I mean,
14 they're saying stuff, you know, under his leg or
15 something about poking under his leg. And what do
16 I do with this? I don't have any idea. It was
17 hard.

18 **Q. Did Scott understand the machine was**
19 **there to help remove the blood clot from his leg?**

20 A. No, no. I had to tell him over time.
21 Every time his eyes opened and he would -- he could
22 feel like this poking, like, this pricking on his
23 leg. And he would indicate, point to his leg and I
24 would be, like, pay attention to me. It's helping
25 clean your blood. That's what I would tell him.

1 And then boom, he's back out to sleep. He'd pass
2 out again. Then he would wake up again and point
3 to his leg violently. And I would say, calm down.
4 They're cleaning. And it's just no, uh-uh. It was
5 just Scott was not himself. He was under so much
6 medication.

7 Q. So he was under a tremendous amount of
8 pain medicine and sedative drugs?

9 A. Yes. Yeah, they kept him all foggy.

10 Q. But when he would wake up and he would
11 be agitated, you would calm him down by telling him
12 that they're trying to clean out his leg with the
13 machine?

14 A. Correct.

15 Q. And then he would fall asleep?

16 A. Correct, yes.

17 Q. And that process repeated itself while
18 the machine was doing the work?

19 A. Correct.

20 MR. YOUNG: Let me speak with my
21 co-counsel. No. Actually, I have one more thing I
22 want to go through.

23 Q. After he left the hospital, did you
24 drop him off at his girlfriend's house?

25 A. Well, actually, we met half way, and

1 then we swamped him to a different car.

2 Q. Did you see him -- when was the next
3 time you saw him after you dropped him off at his
4 girlfriend's?

5 A. I think I went to visit him, and it was
6 in Knoxville. And I'm trying to think if he was --
7 if it was before therapy or after therapy. I want
8 to say it was before therapy and I went. And he's,
9 again, crying out in pain, just tossing and
10 turning, could not settle. We did not know what to
11 do. We did not know what to do.

12 Q. You took him to therapy?

13 A. No, no, no. The therapist came. They
14 came to his place.

15 Q. His house?

16 A. Well, it was actually his girlfriend's
17 apartment.

18 Q. So you're present when the therapist
19 came to his apartment?

20 A. No, no, no, no, no. The therapist
21 wasn't there. I was trying to remember if it was
22 before the therapist had come to visit him or after
23 the therapist had come to visit. But, yes, I did
24 go visit him. And the purple coloring had moved up
25 further in the leg. So it was significantly worse

1 than when I had seen it previously. And we're
2 talking after he left the hospital, after he's
3 discharged. So he's at home with his girlfriend at
4 the apartment. And I don't know, two or three days
5 later, I go to visit him and I'm, like, the purple
6 has moved up his leg.

7 **Q. Do you know when he went to the doctor**
8 **after that?**

9 A. Two days later? One day later? Give
10 or take, yeah. Because he went to his primary
11 doctor. And the doctor saw the foot and said it
12 looks like compression blood. Okay.

13 THE INTERPRETER: So Miss Tomei is
14 saying compression blood.

15 A. It looks like the blood is compressed.
16 And because the primary doctor saw white spots,
17 like, light colored spots on his foot. So his foot
18 was purple, but there was these light-colored spots
19 on his foot and he said that's compression. Go
20 back to the hospital.

21 **Q. Was there any discussion about seeing a**
22 **doctor sooner than that?**

23 THE INTERPRETER: For the interpreter,
24 any discussion between whom, please?

25 **Q. Amongst Scott, or his girlfriend or**

1 Miss Tomei about him seeing a doctor before going
2 to his primary care physicians?

3 A. No, just the primary. Just the
4 primary.

5 Q. Did you go over any of the discharge
6 paperwork with Scott prior to him leaving the
7 hospital?

8 A. No, no.

9 MR. YOUNG: Do we have Exhibits 11
10 through 14 here?

11 Q. The signatures, do you know whose --

12 A. You mean this one right here?

13 Q. Yes. That's yours?

14 A. That's mine. That's mine. That's
15 mine. That's mine and that's mine.

16 Q. So would you have reviewed these
17 documents before you signed them?

18 A. Some, some.

19 Q. Okay. Do you have any idea which ones
20 you reviewed?

21 A. No, no, no, because he couldn't stand
22 up straight. So he's sitting. He couldn't sit
23 straight. So he's leaning on me while I'm trying
24 to navigate these papers. And they're telling me
25 to sign. And I'm holding him up with one arm and

1 signing with my other arm while the nurse held the
2 paper. But there was no discussion about these
3 papers saying you need to do this, this is what
4 this is. They just handed me the papers. And I'm
5 trying to sign while holding him up. It was bad.

6 Q. Do you remember providing the staff
7 with a code that could be used to access Scott's
8 medical records?

9 A. No, no.

10 Q. Did you understand that if you had an
11 objection to him being discharged you could have
12 said something?

13 A. No.

14 Q. Let me see those exhibits for a moment.

15 (Witness Complies.)

16 Q. Can you review Exhibit 14, please?

17 (Witness Complies.)

18 A. Okay. So I don't see a number 14.

19 What is that, because I see four, but I don't see a
20 number 14.

21 Q. That's just the number of the exhibit.

22 A. Oh, okay. Sorry. Okay. What am I
23 supposed to do with this?

24 Q. If you can review that document.

25 A. You want me to read the whole thing?

1 Q. Yes. What's your understanding of what
2 that document is?

3 A. It's just talking about discharge. And
4 if you have -- if the patient has rights to stay,
5 or to leave, go home. And the patient can appeal
6 the decision if they're not satisfied.

7 Q. Did you review that document at all
8 prior to signing it?

9 A. No.

10 Q. If you had known what that document was
11 when you signed it, would you have objected at that
12 point to him being discharged or had y'all already
13 reached a decision to go home?

14 A. Yes.

15 Q. Yes to what?

16 A. Yes, Scott would have stayed.

17 Q. Okay. Isn't it true you're basing that
18 comment on what he told you in the car?

19 A. Yes, yes.

20 Q. Okay. Did you have any communications
21 with a social worker before you left?

22 A. Yes. One came in, but then she left.

23 Q. Did she talk to you about setting up
24 home healthcare?

25 A. Okay. So the social worker came in,

1 said something. I told her I can't hear and she
2 left and that was it.

3 Q. Did you ever tell her that you're going
4 to be helping take care of Scott after he left?

5 A. No. I think the social worker was
6 looking for an interpreter maybe? Because she came
7 in, spoke, and she indicated -- she acknowledged
8 that I couldn't hear and she walked out of the
9 room. And I was just focused on Scott and what he
10 needed.

11 And then the nurse brought in a walker.
12 And I'm thinking, he can't walk. But she brought a
13 walker in ready for him to be discharged.

14 Q. Do you remember him undergoing physical
15 therapy?

16 A. You mean after discharge?

17 Q. No, no, at the hospital. The morning
18 of the 30th?

19 A. No, no. I mean, he couldn't move. He
20 couldn't even move his leg.

21 Q. Not even with the assistance of a
22 walker?

23 A. No, no.

24 Q. Do you remember a physical therapist
25 being there at all?

1 A. No. Just the social worker, and I
2 think, I think, she was a social worker. I have no
3 idea. She came in, said something and then left.

4 Q. Do you remember telling the staff that
5 he does not have steps on the main level of his
6 home and he could do physical therapy at his home?

7 A. Okay. I remember saying that his home
8 did not have any stairs. But I was assuming that
9 he was going to be staying in his home, but the
10 girlfriend has quite a few stairs to get up to her
11 place. And I told the therapist that the
12 girlfriend's apartment has quite a long staircase,
13 but his home didn't have any.

14 Q. Did you ever have any conversations
15 with the physical therapist about him undergoing
16 physical therapy at his home?

17 A. No, no.

18 Q. At discharge did you get any -- did
19 they tell you about anything to look for with
20 regard to his foot, as to whether or not a medical
21 professional should be contacted?

22 A. No.

23 Q. Did you ask about anything you should
24 look for with regard to his foot after you leave?

25 A. No.

1 Q. Are you a smoker?

2 A. I used to but I stopped about seven
3 years ago.

4 MR. YOUNG: All right. Let's break for,
5 like, four minutes and I think we're going to be
6 done.

7 MR. ROZYNSKI: Okay.

8 (A recess transpired.)

9 MR. YOUNG: We're back on.

10 Q. Do you live near your husband?

11 A. Yes.

12 Q. Do you recall telling the social worker
13 that you did live near him?

14 A. No, no, I didn't tell the social worker
15 that, that I lived near my husband, no. No, the
16 social worker came in and left.

17 Q. Do you recall providing the social
18 worker with your phone number?

19 A. No.

20 Q. Do you know how she would have gotten
21 your phone number if you hadn't given it to her?

22 A. I don't know. Maybe from the records?
23 And she just copied it down from his records. I
24 mean, because she did say something, but I
25 indicated I can't hear. Her eyebrows went up. She

1 went, oh. And she walked out. So maybe she was
2 looking for an interpreter or something. I don't
3 know.

4 Q. Are you certain there was never an
5 interpreter present at all at any point in time on
6 the 30th?

7 A. Yeah, there was no interpreter at
8 Parkwest. None.

9 Q. You don't think you told anyone that
10 you would be -- that you would be a resource for
11 Scott after he left the hospital, as far as keeping
12 an eye on him or helping to take care of him?

13 A. No.

14 Q. Was there -- are you aware there being
15 any night that neither you nor your daughter spent
16 the night at the hospital?

17 A. So do you mean was he ever alone in the
18 hospital room? Is that what you're asking me?

19 Q. No. What I'm asking is: Was there
20 ever -- back up.

21 It's my understanding that your
22 daughter spent one night with him at the hospital.

23 A. No.

24 Q. You don't think your daughter ever
25 spent the night in the hospital?

1 A. No. She was pregnant at the time. I
2 mean, for, like, two months -- she was two months
3 pregnant at the time.

4 Q. If she has -- assuming she had
5 previously testified that she did spend the night
6 at the hospital, was that something you would
7 dispute?

8 A. Okay. So she did stay but she didn't
9 sleep. I mean, she was up all night.

10 Q. That's what I mean.

11 A. Oh, okay. Well, that's a
12 misunderstanding, sorry. Yeah, she stayed, but she
13 didn't sleep.

14 Q. Okay. Are you aware there being a
15 night where neither you nor your daughter did not
16 stay through the night at the hospital?

17 A. Maybe his girlfriend did one or two,
18 possibly.

19 Q. Well, you believe you spent two nights
20 in the hospital, right?

21 A. Yeah, two or three.

22 Q. Okay. And he was only in the hospital
23 for four nights, right?

24 A. It seems, yeah. It seems like a long
25 time.

1 Q. He got in on the 26th and he left on
2 the 30th?

3 A. Okay. Well, sounds about right.

4 Q. Okay. So if your daughter spent one
5 night, and you spent two or three nights, are you
6 aware of any night where neither you nor your
7 daughter were present?

8 A. Okay. So the second visit at Parkwest
9 it seems like he was there a week. It seems like
10 it. But maybe I stayed two or three nights. I
11 don't remember who stays what nights.

12 Q. Okay.

13 A. My daughter stayed for one night for
14 sure. Okay. So -- and she stayed up the whole
15 night. And like I said, I was there two or three
16 nights. Maybe the girlfriend was there for a
17 night? I don't know.

18 MR. YOUNG: Okay. I think that's all I
19 have.

20 MR. ROZYNSKI: Thank you.

21 (Deposition was concluded at 12:20
22 p.m.)

23

24

25

1 C E R T I F I C A T E

2 STATE OF TENNESSEE

3 COUNTY OF KNOX

4 I, Catherine Golembeski, Licensed Court
5 Reporter and Registered Professional Reporter, do
6 hereby certify that I reported in machine shorthand
7 the deposition of LEIGHA TOMEI, called as a witness
8 at the instance of the Defendants, that the said
9 witness was duly sworn by me; that the reading and
10 subscribing of the deposition by the witness was
11 waived; that the foregoing pages were transcribed
12 under my personal supervision and constitute a true
13 and accurate record of the deposition of said
14 witness.

15 I further certify that I am not an attorney
16 or counsel of any of the parties, nor an employee
17 or relative of any attorney or counsel connected
18 with the action, nor financially interested in the
19 action.

20 *Cathy J. Golembeski*
21 _____
22 Catherine Golembeski, LCR# 778
23 Registered Professional Reporter
24
25

1	5	application 7:1 16:10	basing 53:17	caption 4:18
100 8:9	55 9:17	appointment 11:12 12:16 16:16	basis 9:15 45:1	car 38:10,17,23,25 39:1,8,14,15 49:1 53:18
10:20 5:2	7	appointments 10:16 16:14,20,22	began 5:2	care 8:3 10:12,14 51:2 54:4 57:12
11 51:9	70 9:1,4,6,10	arduous 11:4	believed 30:7	carry 38:9
12:20 59:21	8	arm 27:22 51:25 52:1	benefits 6:12,18 7:4 21:10	catch 35:6
14 51:10 52:16,18, 20	800 4:6	Arnett 4:6	bent 34:18	Catherine 4:8,12
15 19:20,25 20:10	A	arrived 22:9 23:8	big 15:11	catheter 43:9,14, 15,18
16 8:2	a.m. 5:2	arthritis 41:21	bit 18:4 27:24	caused 31:10 32:10
17th 4:5	absolutely 12:22	ASL 9:14	blah 28:21	causing 30:15 31:18,22
2	access 22:16 52:7	asleep 48:15	blood 23:6 24:16 25:23 29:17,18 30:3,7,10,18,23 31:2,6,10,15,18,22 32:10 47:19,25 50:12,14,15	Center 5:17
20 17:21 19:20 20:1,10	accident 22:3	assignments 15:3	blood's 24:15	certificate 4:18
2013 11:11	account 12:4	assistance 54:21	board 28:17,20	changed 14:6
2017 17:22 18:13, 17 19:3 21:22	accurate 19:21 44:7	assume 31:5	books 15:15	chart 29:11,12
2018 7:7	acknowledged 54:7	assuming 55:8 58:4	boom 48:1	checked 25:23
2019 4:5 17:21	acknowledging 34:21,22	attempt 24:12 36:3	boss 6:20,22,24	children 16:16 17:8
224 7:16	acting 34:9	attempted 24:17	Boy 26:12	children's 17:14
2300 4:7	add 8:7	attention 47:24	boyfriend 7:18	circulation 23:20 24:3
24th 21:22 22:5 41:3	address 7:15	attorneys 5:19	boyfriend's 7:19	City 6:16 7:11 10:6 22:4,8,9 41:23
25 7:22	adequately 16:23 17:15	awakening 33:18 35:24	brain 8:18,21	Civil 4:4
25th 22:6	admitted 26:16	aware 42:10 57:14 58:14 59:6	break 56:4	clarification 29:10 33:6
26th 22:6,7 26:4,6 32:19 59:1	admitted 26:16	awful 19:5,13 24:11	bringing 35:17	clean 33:23 47:3,25 48:12
27th 26:11 32:24 40:2	agitated 48:11	B	brought 12:6,8,12 25:5 35:23 40:4 47:2 54:11,12	cleaning 48:4
28th 33:2 40:3	agreed 4:11,20	baby 12:19	bunch 13:18	closing 9:8
29th 40:3	ahead 26:18	baby-sitting 12:19	bypasses 8:17	clot 30:3,7,10,23 31:3,6,10,15,18,22 32:10 33:23 47:3,19
3	aid 11:18,24 16:10	back 7:15 10:7,10 16:21,24 17:6,9,12 18:12 21:6,8 27:20 30:5 33:12 43:21 48:1 50:20 56:9 57:20	C	co-counsel 48:21
30th 54:18 57:6 59:2	ambulance 23:17, 18 24:21	bad 52:5	calendar 18:19	cochlear 8:14
37774 7:16	amount 48:7	bakery 10:7	calendars 18:11	code 52:7
37901 4:8	and/or 19:19	bank 11:23,24 12:3	Call 40:10	college 14:2,18 20:3,4 21:5
	apartment 49:17, 19 50:4 55:12	barrier 29:22	called 5:8	
	appeal 53:5		calm 48:3,11	
			cancer 27:3 28:4	

collegiate 21:8	customers 6:21,24	55:18		
colored 50:17		discharged 21:18	E	F
coloring 49:24	D	23:15,16 32:5 33:16		
comment 53:18	d-i-l 28:3	41:21 50:3 52:11	ear 8:17	face 34:16,19 35:25
communicate	dad 41:4	53:12 54:13	earlier 43:17	facial 9:20
6:21 10:22 16:3	daughter 7:18,21,	discovery 4:4	early 33:21	factors 31:16,17,22
17:1,14 23:22 29:20	23 8:6 16:13 17:6	discussion 50:21,	ears 8:19	fail 40:7
31:20 36:5 43:11,23	19:16,19 21:24	24 52:2	education 14:1	fall 30:22 31:2,5,8,
44:10,20 45:5,13,18	41:1,4,12,16 42:6,	disoriented 35:21	effective 10:5	10 48:15
46:7,15	15,16,23 43:2,6	dispute 58:7	emotional 29:25	fallen 30:20
communicating	44:5 57:15,22,24	Doc 17:7	30:1 31:24,25	family 14:9
16:23	58:15 59:4,7,13	doctor 10:22,25	end 21:23	feel 16:23 43:4
communication	day 4:5 10:12,14,19	11:3,7,8,10,15,16,	English 15:5,8,15	47:22
6:19,20 19:12,13	18:8,24 20:5 32:12,	22 12:22 16:19	enunciated 46:10	feet 35:10
23:4 24:10 29:7	14 33:11 38:16	17:2,4,9,10 27:25	enunciating 34:16	fell 18:17 30:21
32:11 42:11,23 44:6	39:22 41:22 50:9	28:21 29:5,6,7,13,	35:25 47:6	felt 29:14
46:1	days 18:25 26:9	15,21 30:17 31:7,8,	environmental	filing 4:18
communications	33:12 50:4,9	9,10,13,21 33:20,	9:7,11	fill 7:1 16:9
53:20	deaf 44:19	24,25 34:6,8,13,15,	epic 40:7	finally 10:1 22:21
complaints 29:1	December 4:5	20,23,24 35:4,11,	established 44:21	find 7:2 17:19 20:19
Complies 52:15,17	decided 6:23	13,21,24 36:6,12,	events 20:13	22:20 23:2 37:10
compressed	decision 53:6,13	37:1,3,7,12,14,17	eventually 32:2	41:20 45:11
50:15	Defendants 4:3	43:12,22 45:4,17	EXAMINATION	fine 11:15 15:17
compression	5:9,16	46:6,9 47:11 50:7,	5:1,11	25:6 27:16 35:11
50:12,14,19	degree 14:8	11,16,22 51:1	examined 5:10	finger 25:19,20,24
concerns 29:1	Dekalb 14:6	doctor's 10:21	excuse 17:11,22	fire 6:23
concluded 59:21	deposed 5:10	11:5 29:11,23 34:18	33:25 34:10,23	fired 6:10,25
confused 24:5	deposition 4:2,11	doctors 11:17,20	38:19	fix 21:5
38:6,7	5:20,21,24 6:11	17:13,14 20:24	exhibit 52:16,21	flat 23:5
consecutive 33:14	18:11 59:21	46:16	exhibits 51:9 52:14	focused 54:9
constantly 9:22	Devin 5:18	doctors' 16:20	experiencing 39:9	foggy 33:22 48:9
contacted 55:21	diabetes 11:17	document 52:24	explain 5:24 24:12,	food 6:16 7:11
conversations	diabetic 10:19	53:2,7,10	17 30:6 35:14 36:3	10:6,8
55:14	11:12	documents 18:19,	express 29:2	foot 11:21,22 23:4,
copied 21:6 56:23	difficult 44:5	21 51:17	expressions 9:21	20 24:3 35:19
correct 7:25 9:3	difficulty 15:22,23	doors 9:8	expressly 4:19	50:11,17,19 55:20,
23:21 26:5 31:12	dilau 28:21	Draper 4:6	eye 57:12	24
34:12 38:20 39:15	Dilaudid 27:2,8	drip 27:20	eyebrows 56:25	foot's 35:15
41:16 48:14,16,19	28:14,16	dripping 46:3	eyes 21:15 34:2	forget 9:24 10:3
count 13:1	dilod 26:19	drop 48:24	47:21	15:11
couple 5:19	directly 8:18,21	dropped 49:3		forgot 8:7
court 4:13 6:1	discharge 35:8	drugs 48:8		form 4:21 44:11,15
Covenant 5:17	36:17 38:3 46:9	duly 5:4,6,9		45:20
crying 27:5 49:9	51:5 53:3 54:16			

formalities 4:17	gynecologist 11:21	hey 17:7	immediately 25:5	jotted 25:14
found 22:22 23:1,3,13		high 13:21 14:1 22:19	implants 8:14,22 9:5	jumbled 16:2
foundation 44:18	H	hired 12:7	improper 45:21	jump 8:20
friends 16:4	Hagood 4:6	hold 25:19,20	increase 28:10	K
froze 40:9,12,15	hair 8:17,19	holder 20:18	indicating 14:11 36:14 47:3	keeping 21:17 57:11
frustrating 26:3,25 30:1	half 48:25	holding 47:5,7 51:25 52:5	inform 36:25	kid's 16:20,22
full-time 7:12,13	hall 9:9	home 7:14,17 8:5 10:12,13 21:5 34:9,10,14,17,25 35:1,15,25 36:4,8,11,14,20,23 37:1,7,13 41:22 50:3 53:5,13,24 55:6,7,9,13,16	information 18:23 25:16 30:14	kids 16:18
G	Halloween 18:3	Hope 7:16	injured 17:20	kind 8:20 16:2 27:20 44:23
gave 18:21,25 19:8 21:4,9,18 27:6	hand 23:5 24:6 47:7	hospital 12:21,25 13:1,4,10 18:6,9 20:17 22:2,5,13 23:17 24:21,23 25:1 26:16 28:18 32:6,13,15 37:20 38:5,13 39:5,13,24 40:17,20 41:5,23 43:11 48:23 50:2,20 51:7 54:17 57:11,16,18,22,25 58:6,16,20,22	inside 47:2,11	kinds 6:22 19:6
Gay 4:6	handed 20:12 52:4	hour 26:1	instance 5:8	knee 18:5
geeze 34:19	hands 47:6	hours 26:1	interpret 42:18,19 43:2 44:21 46:21	knew 24:16 29:14 30:20,22
general 35:4,12	handwritten 18:23 19:2 20:2,9	house 48:24 49:15	interpretation 34:12 42:22	knocked 27:6
generally 17:13	hang 40:10	Hubbush 7:20	interpreter 5:3,5 10:25 11:8,10,14,18,25 12:2,6,7,8,15,16,20 13:5,9 14:11,17,23,25 15:1 16:10,18,19 17:11,16,17,23 20:25 22:10,23 23:11,14 25:6,18,23 26:2,24 27:1,17 29:9 33:5 34:11 38:19,20 39:19,21 40:4,11,19 42:1,16,24 44:13 45:14 46:20 50:13,23 54:6 57:2,5,7	Knoxville 4:7 49:6
gentlemen 14:12	happen 7:5	hurt 30:20 34:5	interpreter's 33:6	L
Georgia 13:13 14:7	happened 7:4 18:12,20,24 19:3 20:6 21:13 24:25 26:2 30:16 41:18	hurting 18:5 27:4,23 34:24,25 35:2 37:2,4,11	interpreting 17:8	language 16:7 24:14,15 28:7 34:3 46:18,19
gestured 24:14	happening 19:11 20:14,16,20 46:1,2	hurts 27:14 36:15 37:16	introduced 5:15	Large 4:10
girlfriend 50:3,25 55:10 58:17 59:16	hard 9:18 19:4 47:17	husband 13:13 18:17 19:18 22:3 28:5,25 31:20 36:4 56:10,15	involved 25:9	lawsuit 5:17 6:8
girlfriend's 48:24 49:4,16 55:12	HARMON 5:3	husband's 31:13	issue 43:9	lawyers 6:1
give 22:7 27:15,16,25 31:17 45:14 50:9	Harry 15:18		IVS 46:3	laying 20:18
giving 28:2	head 19:6 31:8 34:21 35:3,13 36:7,14		J	leaning 51:23
Golembeski 4:8,12	Health 5:18		Jeffrey 7:20	leave 33:9 53:5 55:24
good 20:10 29:5 30:24 42:23	healthcare 32:8 53:24		job 6:10 10:6 16:9 29:5	leaving 39:5 51:6
graduate 13:21	hear 9:6,10 42:20 54:1,8 56:25		jot 20:5	left 13:7 14:12 27:18,19,24 35:8,9,13 48:23 50:2 53:21,22 54:2,4 55:3 56:16 57:11 59:1
granddaughter 7:24 10:11	heard 38:2			leg 17:20 28:24 30:20 39:10 47:2,5,14,15,19,23 48:3,12 49:25 50:6 54:20
group 10:3 11:12,13,14 13:12	hearing 4:22 16:4			Leigha 4:2 5:7,14
growing 13:19	hears 42:17			Lenoir 22:4,7,9 41:23
GSD 13:15	heavy 21:14			
guess 27:21,24 47:10	held 25:24 52:1			
guy 14:12	helping 18:12 47:24 54:4 57:12			

level 55:5	materials 20:23 21:1	motion 24:6	36:17 38:8,9,17 43:12,22 44:19 45:4,17 46:6 47:5 52:1 54:11	47:8,12 48:8 49:9
Licensed 4:13	means 17:5 24:9	motioned 23:5		paper 20:3,4,9,18 21:5,6,8 35:23 52:2
life 12:17	meant 24:13	mouth 12:10 34:16 35:1,2	nurses 45:17 46:16,25	papers 14:20 15:2 35:8,17 36:18 51:24 52:3,4
light-colored 50:18	medical 5:17 10:15 12:15 16:13,22 22:1 29:12 46:22 52:8 55:20	mouths 9:19	nursing 20:24	paperwork 51:6
limitations 15:7,21	medication 26:20 27:2 28:11 48:6	move 47:4,7,8 54:19,20	<hr/> O <hr/>	Parkwest 5:17 21:22 22:5 23:16,17 24:21 27:10 32:16 39:2 40:21 41:2,9, 11 42:2,8 46:16,25 57:8 59:8
limited 29:16	medications 25:10,11,13,14	moved 13:19 49:24 50:6	oath 6:1	part 6:8 8:20
lines 46:3	medicine 37:16 48:8	<hr/> N <hr/>	objected 39:4 53:11	pass 48:1
lips 9:19 12:11	meet 13:13 24:23	names 25:13	objection 44:11,24 45:20,22 52:11	patient 29:8 38:2,3 53:4,5
listen 42:19	memory 26:14	napkin 21:7	objections 4:20	patients 28:4
listened 36:6	mentioned 12:14 14:5 43:17	napkins 20:17 21:2	obtain 14:8	patterns 9:22 11:5
live 8:5 56:10,13	met 9:24 48:25	navigate 12:9 44:6 51:24	occasion 12:14 40:14 43:10	pay 47:24
lived 56:15	method 37:12	needed 18:22 21:12 33:10 54:10	occurred 6:15	penis 43:14
lives 7:14,17 8:6	mid 40:12	newspaper 15:13	October 17:21 18:1,2,4,13,17 19:3 20:4 21:22	people 8:11,23 9:4, 8,9,10,13,14,18 16:6 26:25 34:1
LLP 4:6	midst 20:22	night 26:6,7,9 32:19,24 33:4,9,13, 15,16,24 57:15,16, 22,25 58:5,9,15,16 59:5,6,13,15,17	offer 21:11 32:9	percent 8:9 9:1,4, 7,10,11,17
looked 18:19 23:25 24:1 34:8,15	mine 18:23 51:14, 15	nights 32:22 33:4, 7,14 58:19,23 59:5, 10,11,16	office 6:11 10:21 12:5	percentage 9:15
lot 11:4	minutes 56:5	noise 9:8	offices 4:6	Perimeter 14:6,7
Loudon 7:16 23:9	miscommunicatio n 35:18	Notary 4:9,14	one-on-one 10:4, 23 11:6,15	person 10:7 24:1 40:10,23 42:17 44:19 46:21
love 8:4	missing 8:18	notch 27:6	open 21:15 34:2	person's 9:22
low 22:19	misstating 45:10	note 14:21 29:10	opened 47:21	personal 45:3
LYDIA 5:3	mistake 17:24	notebook 20:9	opinion 44:24	personnel 11:24
Lyon 5:18	mistakes 8:10	notes 4:15 14:24, 25 16:21,24 18:23 19:2,7,8,16,18,22, 24 20:2,3,8,9,13,14 21:16,19 26:13,24	opinions 32:9	phone 56:18,21
<hr/> M <hr/>	misunderstandin g 35:18 36:9 58:12	nouns 16:1	overnight 26:8,9 32:21 33:7,8	Photography 14:14
machine 4:12 22:19 33:22,23 40:4 47:1,9,18 48:13,18	misunderstandin gs 6:22,24	novels 15:16	<hr/> P <hr/>	physical 54:14,24 55:6,15,16
made 17:23 19:2, 19	mom 7:12	number 52:18,20, 21 56:18,21	p.m. 59:22	physician 16:24
main 55:5	moment 5:16 12:20 25:20 52:14	nurse 25:17,22 27:11,12,14,19,20, 23 28:1 32:9 35:6,7	pages 19:20 20:1, 10	physicians 51:2
make 8:10 20:13,14	months 8:2 58:2		pain 18:4 25:10 26:18,20 27:2,5,13 28:6,8,24 30:13 34:4,5,22,23,24 37:17,21 38:1 39:9	pick 9:11 44:17
mammogram 13:1,5,6	morning 33:18,21 39:19 46:9,13 54:17			picking 44:3
manhandle 38:17	morphine 26:20 27:4,9,20			
married 14:9				

place 19:8 44:2 49:14 55:11	provide 22:16 42:22	records 52:8 56:22,23	RN 22:21 23:3,4,13	13:12 53:23
Plaza 4:7	provided 20:23 25:16	referenced 13:12 19:18	room 20:17 23:25 25:18 26:17 27:19 28:18 35:14 38:24 54:9 57:18	settle 49:10
podiatrist 11:21	provider 32:8	regard 15:8,21 55:20,24	ROZYNSKI 44:11, 16,25 45:7,20 56:7 59:20	shaking 35:3
point 47:23 48:2 53:12 57:5	providers 46:22	Registered 4:9,13	RUANN 5:5	share 44:4
pointing 27:14	providing 52:6 56:17	related 6:11	rude 33:18 35:24	sharing 29:17
poking 47:15,22	public 4:9,14 13:20	remember 18:12, 16,20 19:5,7 20:19 21:13,20 25:15 32:18,20,22,23 33:17 39:12 40:1 42:21 44:8 45:15, 19,25 46:5,23 49:21 52:6 54:14,24 55:4, 7 59:11	rule 20:3,4 21:6	shook 31:8 34:20 35:13 36:7,14
Pollock 30:2,7 31:1 36:4,10	purple 35:10,16,19 49:24 50:5,18	remove 47:19	Rules 4:4	shoot 26:19
population 35:5, 12	purposes 4:3	repeated 48:17	S	shorthand 4:12
possibly 58:18	pursuant 4:4	repeatedly 11:1 28:9 37:5 39:21	satisfied 53:6	sign 16:7 24:14 28:7 34:1,3,4 35:4, 12,17 40:12 51:25 52:5
Potter 15:18	put 25:2 26:16,18 43:13 46:18 47:2	replace 33:10	school 13:17,20,21 14:1	signature 4:17
pregnant 58:1,3	Q	reporter 4:9,13,14 6:1	schooling 14:15	signatures 51:11
prepare 18:10	question 20:10 30:24 36:13 38:11 44:14 45:15	repeats 9:25	schools 13:19	signed 51:17 53:11
prepped 10:8	questions 4:21 25:10	request 4:3 17:11	Scott 18:21,25 19:9 21:4,9,11,13 24:9, 12,14,18,23 27:22 28:25 29:4,12,14,23 30:2,6,10,12,20 32:3,12 33:21 34:2, 3,8,15,20,25 35:3, 15 36:7,13,14,19,23 37:1,4,7,11,13,19, 20,23 38:4,12,21 41:2,8,10,11,12 42:7 43:5,12,17,23 44:4,10 45:5,13,18 46:7,15,17 47:12,18 48:5 50:25 51:6 53:16 54:4,9 57:11	significantly 49:25
prescription 34:6, 7 36:17	quit 11:2	represent 5:16	Scott's 27:12 29:11,19 31:14 52:7	signing 52:1 53:8
present 4:16 6:1,2 39:2 40:19 41:8 49:18 57:5 59:7	R	requested 25:5 42:1	screaming 27:5,13 37:17	similar 35:2
pressure 25:23	raising 16:12	require 14:15	screen 40:11	simple 29:19
pretty 42:12	rate 13:23	reserved 4:21	sedated 21:14 26:22 33:21	single 39:22
previously 50:1 58:5	reached 53:13	resource 57:10	sedative 48:8	sit 51:22
pricking 47:22	read 15:5,8,13,15, 18 21:9 26:25 52:25	respond 17:5,10 22:12,13	send 35:6 36:17	sitting 5:18 14:22 38:16 51:22
primary 50:10,16 51:2,3,4	reading 9:18 29:10,11 35:7	responds 35:3	sentence 16:2	situation 12:9 20:17,21 43:15
prior 46:12 51:6 53:8	ready 54:13	result 9:5	setting 10:3 11:14	situations 10:4
problem 12:4 23:13	reason 12:25 13:9 37:6	resulted 30:22		size 9:19
problems 42:10,13	recall 56:12,17	review 19:1 26:14 52:16,24 53:7		skin 47:10
Procedure 4:5	recently 12:22 18:18	reviewed 18:18 51:16,20		skip 8:20
proceedings 5:2	recess 56:8	ride 24:20		sleep 48:1 58:9,13
process 48:17	recollection 45:3	rights 53:4		smash 13:7
professional 4:9, 13 20:8 42:16,24 43:3 55:21	recommend 19:10			smoker 56:1
pronunciation 8:10	record 5:13 19:11			smoking 31:14,21 32:1
				social 53:21,25 54:5 55:1,2 56:12, 14,16,17
				son 16:12
				sooner 50:22
				sounds 9:11 59:3

<p>speak 8:8 25:13 48:20</p> <p>speaking 9:10 44:23</p> <p>specific 36:22</p> <p>specifically 44:8 45:19 46:6,23</p> <p>speech 9:18,22 11:5 26:25 35:7 46:11</p> <p>spell 25:15 28:3,22</p> <p>spend 26:6 32:19 33:12 58:5</p> <p>spent 32:23 57:15, 22,25 58:19 59:4,5</p> <p>spoke 54:7</p> <p>spoken 41:1</p> <p>spot 47:4</p> <p>spots 50:16,17,18</p> <p>staff 20:24 27:9 28:8 29:2 46:25 52:6 55:4</p> <p>staircase 55:12</p> <p>stairs 55:8,10</p> <p>stand 35:20 46:13 51:21</p> <p>standby 12:12</p> <p>standing 34:17</p> <p>started 14:9 19:7</p> <p>state 4:10 5:12</p> <p>statements 5:25</p> <p>stay 16:18 21:15 32:21 33:8,15 37:20,22,23,25 38:5,13 39:13 53:4 58:8,16</p> <p>stay-at-home 12:18</p> <p>stayed 33:3,7,24 53:16 58:12 59:10, 13,14</p> <p>staying 55:9</p> <p>stays 10:12,13 59:11</p>	<p>steps 55:5</p> <p>stood 34:20</p> <p>stop 24:9</p> <p>stopped 6:12,17, 18 7:3 23:6 24:16 56:2</p> <p>store 10:8</p> <p>straight 35:20 51:22,23</p> <p>Street 4:7</p> <p>strong 47:11</p> <p>stronger 26:21 27:7</p> <p>stuck 27:22</p> <p>studying 14:13</p> <p>stuff 10:8 19:6 25:12 33:22 46:12 47:14</p> <p>successfully 11:6</p> <p>suggested 18:6</p> <p>super 12:11</p> <p>support 11:13</p> <p>supposed 47:4 52:23</p> <p>swamped 49:1</p> <p>swear 4:14</p> <p>sworn 5:4,6,9</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>tabs 21:17</p> <p>taker 14:21</p> <p>takes 9:21</p> <p>talk 11:24 27:24 41:6 53:23</p> <p>talking 9:7,8 21:1 28:18 32:15 41:14 43:14,15 50:2 53:3</p> <p>telling 24:3 28:5 43:22 48:11 51:24 55:4 56:12</p> <p>Tennessee 4:4,7, 8,10 7:16</p>	<p>terminated 7:3</p> <p>testified 45:7 58:5</p> <p>testimony 10:18 45:10</p> <p>text 16:3,5,6</p> <p>therapist 49:13,18, 20,22,23 54:24 55:11,15</p> <p>therapy 49:7,8,12 54:15 55:6,16</p> <p>thin 12:11</p> <p>thing 25:3 31:25 37:3 46:8,11 48:21 52:25</p> <p>things 18:20 44:3</p> <p>thinking 25:25 34:21 54:12</p> <p>thinks 34:25</p> <p>thought 19:19 31:21 34:19,23 41:20</p> <p>throat 23:6 24:7</p> <p>time 9:21,24 10:9 11:2,4,9 12:4,24 13:8 14:24 15:1 19:5 22:2 23:25 25:17 26:12,15,17 31:23,24 33:13 39:4,6,7,12 40:15 41:11,12 42:19 47:20,21 49:3 57:5 58:1,3,25</p> <p>today's 18:11</p> <p>toe 18:5</p> <p>told 23:10 27:10 28:8,13 30:4 31:11 32:2 36:12,15 37:3 38:4 41:4 44:9 45:4, 16 46:6,15,24 53:18 54:1 55:11 57:9</p> <p>Tomei 4:2 5:7,14, 15 17:19 18:22 23:23 24:2 50:13 51:1</p> <p>tossing 49:9</p> <p>touched 23:4</p> <p>touching 4:17</p>	<p>transcribe 4:15</p> <p>translated 42:6</p> <p>translating 43:5,7</p> <p>transmission 4:18</p> <p>transpired 56:8</p> <p>transport 10:10</p> <p>transposed 21:8</p> <p>tremendous 48:7</p> <p>triage 25:2,5</p> <p>true 13:8 30:19 38:4 39:12 43:19 46:5 53:17</p> <p>turning 49:10</p> <p>type 10:12 15:23</p> <p>types 42:13</p> <p>typewriting 4:16</p> <p>typically 42:16</p> <p>typing 20:7</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>uh-huh 16:5 28:7</p> <p>uh-uh 32:1 48:4</p> <p>unable 45:5,12,18 46:15</p> <p>undergoing 54:14 55:15</p> <p>underhanded 19:14</p> <p>underneath 47:9</p> <p>understand 8:22 9:4,15,23 10:1 12:10 24:2,8 34:2 39:11 40:13 45:8 47:18 52:10</p> <p>understanding 27:8 30:9 37:19 41:7,17 43:18 53:1 57:21</p> <p>unemployment 6:11,12,18,25 7:3</p> <p>upright 34:20</p>	<hr/> <p style="text-align: center;">V</p> <hr/> <p>VCI 22:24</p> <p>vehicle 38:18</p> <p>verbs 16:1</p> <p>versus 27:9</p> <p>violently 48:3</p> <p>visit 13:2 41:2,9,14, 15,18 42:1,7 49:5, 22,23,24 50:5 59:8</p> <p>vitals 25:8,9</p> <p>voice 31:7</p> <p>VRI 22:17,20,24,25 23:1,2,7,9,14 32:13 39:23 40:1,4,16</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait 18:7 22:14 27:23</p> <p>waited 23:12 25:22 26:17,18 35:14</p> <p>waiting 22:21 25:4</p> <p>waived 4:19</p> <p>wake 48:2,10</p> <p>walk 38:1,2 54:12</p> <p>walked 37:9,18 54:8 57:1</p> <p>walker 54:11,13,22</p> <p>walking 9:9</p> <p>wanted 18:22 29:1, 3 30:14 34:9 36:8 37:20,22,23,24 38:5,12 39:13 44:20 46:17</p> <p>wanting 29:12,20</p> <p>ways 9:20 44:24</p> <p>week 18:3 59:9</p> <p>wheeled 27:21</p> <p>whirlwind 46:12</p> <p>white 28:17,20 50:16</p> <p>whoa 26:23</p>
---	---	---	--	---

wife 7:13	YOUNG 5:11 21:3	
wiped 28:23	44:15,23 45:2,9,21	
woman 12:10	48:20 51:9 56:4,9	
woman's 12:10	59:18	
wondering 18:18	yup 40:12	
WOOD 5:5		
word 17:4 28:2,16		
words 15:11 34:16		
36:10,25 44:17 47:6		
work 6:5,7 7:11		
11:5 27:4 48:18		
worked 7:2 40:16,		
18		
worker 53:21,25		
54:5 55:1,2 56:12,		
14,16,18		
working 6:7,14 7:8		
8:19 22:14,18 23:12		
25:7,19,21,25		
worse 41:23 49:25		
Wow 26:12 32:25		
write 14:20,24,25		
15:2,21 16:21 17:9		
25:12 28:19 34:7		
36:16		
writing 14:16,18		
15:20,24 16:1 19:7		
21:16 26:24		
written 20:4		
wrong 29:15 44:15		
45:6		
wrote 19:24 20:11		
28:2,15,16,21,22		
29:8 34:5,6		
<hr/>		
X		
<hr/>		
x-ray 41:19		
<hr/>		
Y		
<hr/>		
y'all 53:12		
year 7:6		
years 12:15 13:10,		
12 14:3 56:3		